

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



October 6, 1982

ALL-COUNTY INFORMATION NOTICE I-137-82

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: NOTICES OF ACTION DISCONTINUING STATE-ONLY AFDC-U

REFERENCE: BLAIR v. WOODS, ALAMEDA SUPERIOR COURT, NO. H-85874-0

Judge Raymond L. Marsh of the Alameda Superior Court on September 28 granted, and on September 29, 1982 signed, a Peremptory Writ of Mandate against the State in the case of Blair v. Woods. The petitioners contend and the judge found that the Notices of Action discontinuing recipients because of the three-month limitation in the State-only AFDC-U Program must contain a statement that general assistance may be available to them. We are appealing this decision and the order is automatically stayed pending the appeal. However, the petitioners have made a motion in appellate court to have the peremptory writ enforced. The court could rule on this motion at any time.

The Department's interpretation of the law is that SDSS has no ability to direct the counties in regard to the administration of general assistance (Welfare and Institutions Code § 17000-17410) absent a specific statute to do so. Clearly, the court has disagreed. Should you wish to join in the appellate process please have your county counsel contact Asher Rubin, Deputy Attorney General, at (415) 557-2004.

The court has ordered the Department of Social Services to instruct the counties to give such notification to all affected recipients. Even though the order is stayed on appeal, you are free to comply with it if you choose. Should you choose to voluntarily comply with the stayed court order, the following would be required:

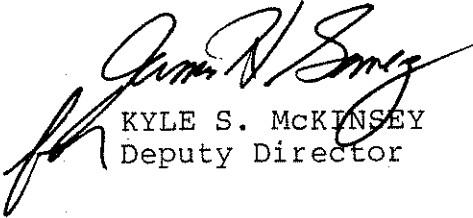
1. Send to each recipient of State-only AFDC-U benefits whose aid was discontinued effective October 1, 1982 because of the limitation contained in SB 1326 a notice advising them that they may apply for and if eligible may receive general assistance benefits. This notice would be sent as soon as administratively feasible.

Since the Notices of Action discontinuing these cases have already been sent, a supplemental notice will be necessary. In sending this supplemental message, do not use a standard Notice of Action form because these messages are not to give the recipients a right to aid paid pending or a state hearing. The right to aid paid pending and a state hearing given with the original notice of discontinuance is the only such notice recipients are to receive.

2. Notify each recipient of State-only AFDC-U benefits whose aid is in the future discontinued because of the limitation contained in Section 207 of SB 1326 that they may apply for and if eligible receive general assistance benefits. This notice may be included either in the discontinuance notice of action or be given separately prior to the effective date of aid termination.

Suggested messages and a copy of the Peremptory Writ are attached. Please contact your AFDC Program Management Consultant at (916) 445-4458 if you have any questions.

Sincerely,



KYLE S. MCKINSEY
Deputy Director

Attachments

cc: CWDA

ATTACHMENT

We suggest that your message to those already terminated say the following:

"Now that your State-only AFDC-U cash aid has ended, you may apply for and if eligible, may receive general assistance benefits. To apply, come to the (County Welfare) office."

The following message is suggested for future discontinuances:

"You may apply for and if eligible, may receive general assistance benefits. To apply, come to the (County Welfare) office."

ENDORSED
FILED

SEP 29 1982

RENE C. DAVIDSON, County Clerk
By Peggy Waller Deputy

EVELYN R. FRANK
CLIFFORD C. SWEET
LEGAL AID SOCIETY OF ALAMEDA COUNTY
2357 San Pablo Avenue
Oakland, California 94612
Telephone: (415) 465-4376

Attorneys for Petitioners

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

SHERRY BLAIR,)	
)	NO. H-85874-0
Petitioner,)	PEREMPTORY WRIT OF MANDATE
)	(C.C.P. § 1085)
vs.)	
)	
MARION J. WOODS, et al.,)	
)	
Respondents.)	

TO: MARION J. WOODS and DEPARTMENT OF SOCIAL SERVICES,
respondents:

WHEREAS Petitioner served and filed herein her duly verified petition for Writ of Mandate, an alternative writ of mandate issued herein on September 17, 1982, and a hearing was held herein on September 28, 1982.

WHEREAS it appears to this Court that petitioner has no other plain, speedy and adequate remedy in the ordinary course of law;

WHEREAS, it appears to this Court that you have failed to perform your legal duty by failing to notify, or cause to be notified, those families whose non-federal AFDC-U benefits are being discontinued as a result of § 207 of S.B. 1326, 1982 Stats. Ch.327 (enacting Welfare and Institutions Code § 11315), that

1 they may apply for, and if eligible, may receive General Assistance
2 benefits;

3 THEREFORE, you, MARION J. WOODS and DEPARTMENT OF SOCIAL
4 SERVICES are hereby commanded, on or before the close of business
5 on October 1, 1982, to: (1) instruct the county welfare departments
6 to send, on or before October 8, 1982, a notice to each recipient
7 of nonfederal AFDC-U benefits whose aid is being discontinued;
8 effective October 1, 1982, because of the limitation contained in
9 S.B. 1326, advising them that they may apply for, and if eligible,
10 may receive General Assistance benefits; and (2) instruct the
11 county welfare departments to notify each recipient of nonfederal
12 AFDC-U benefits whose aid is, in the future, discontinued because
13 of the limitation contained in § 207 of S.B. 1326 that they may
14 apply for, and if eligible, may receive General Assistance benefits,
15 said notice to be included either in the discontinuance notice of
16 action, or to be given separately prior to the effective date of
17 the discontinuance.

18 You are further commanded to make and file a return, on or
19 before October 13, 1982, showing what you have done to comply with
20 this Writ.

21 Witness the Honorable Raymond L. Marsh, Judge of the Superior
22 Court.

23 Attest my hand and the seal of this court this 28th day of
24 September, 1982.

25 RENE C. DAVIDSON, County Clerk

26 Clerk of the Superior

27 PEGGY WALLER

28 Deputy Clerk

By:

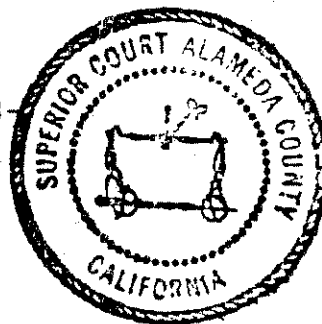
ORDER

Let the foregoing writ issue.

DATED: SEP 29 1982

RAYMOND L. MARSH

JUDGE, SUPERIOR COURT OF ALAMEDA COUNTY



The foregoing instrument is a
correct copy of the original
on file in this office

ATTEST: SEP 29 1982

RENE C. DAVIDSON, County Clerk
County Clerk and ex-officio Clerk of the
Superior Court of the State of California
and for the County of Alameda

BY Reggie W. [Signature] DEPUTY